

Exhibit 6

Transcript of the Testimony of

MARLIN NABORS

July 1, 2025

**STUDENTS FOR JUSTICE IN PALESTINE AT PITT VS
UNIVERSITY OF PITTSBURGH**



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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CIVIL ACTION NO. 2:25-CV-00524

STUDENTS FOR JUSTICE IN)
PALESTINE AT PITT,)

Plaintiff,)

VS.)

UNIVERSITY OF PITTSBURGH; JOAN)
GABEL, MARLIN NABORS, KARIN)
ASHER, DaVAUGHN VINCENT-BRYAN,)
MATTHEW LANDY, and JAMEY MENTZER,)
all in their official and)
individual capacities,)

Defendants.)

DEPOSITION OF MARLIN NABORS
VIA VIDEOCONFERENCE

DEPOSITION taken before me, Mary J. Carney, a
Notary Public within and for the Commonwealth of
Pennsylvania, via Zoom videoconference, beginning at
11:07 a.m. on July 1, 2025, pursuant to Notice and to
be used pursuant to the Federal Rules of Civil
Procedure in the aforesaid cause of action, pending
in the United States District Court for the Western
District of Pennsylvania.

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Also Present:

J. Nicole Rhodes, Esquire
University of Pittsburgh

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1 Nabors 1. Just for clarity's sake, I'm
2 going to refer to this letter from here on
3 out as the Open Letter or the February 4
4 Open Letter. Is that agreeable to you, Mr.
5 Nabors?

6 A. You don't mean the letter that
7 we're looking at; you mean the previous
8 one?

9 Q. Yes, yes, correct. I'm just
10 looking for an easy handle to refer to that
11 letter. So if I call it the Open Letter,
12 can we agree that I'm referring to what is
13 Nabors 2, the February 4 letter sent by SJP
14 with 70 signatories?

15 A. Yes.

16 Q. When you say on Nabors 1 that
17 additional conduct may have violated the
18 Student Code and is now triggering this
19 March 18 correspondence, is there any other
20 conduct that prompted this email?

21 A. There was, yes.

22 Q. What would that be?

23 A. There were concerns with language
24 that representatives from SJP used during
25 the hearing to panelists.

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1 Q. So language during the hearing.
2 Can you be more specific; what kind of
3 language?

4 A. Panelists present for the hearing
5 described to me that members or the
6 students representing SJP made comments --
7 I'm paraphrasing their paraphrasing -- but
8 comments to the panelists that they should
9 be careful about their decision, that
10 people are watching, that they're working
11 with lawyers, so they should think
12 carefully about how they decide this. Those
13 were comments that panelists referenced as
14 concerning.

15 Q. And do those comments go into the
16 decision that is communicated in this March
17 18 email?

18 A. I'm sorry, can you ask that again?

19 Q. Yeah, or, so as I said, this
20 doesn't specifically identify the
21 additional conduct, so I'm trying to
22 establish, you know, what conduct is at
23 issue. So we've identified the Open
24 Letter, and then you said that there were
25 comments made during the hearing which you

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1 during the hearing.

2 Q. You're not saying that students
3 can't make arguments about why the
4 university shouldn't punish them at one of
5 these hearings, are you?

6 A. I guess I'm saying that what's --
7 what's the most accurate answer is to look
8 at the process that we lay out in terms of
9 questioning, statements, and closing
10 statements. Everything that students are
11 allowed to do is laid out in that process.

12 Q. And I'm not asking for the perfect
13 answer. I'm asking whether or not the
14 process allows students to make arguments
15 about why they shouldn't be punished, for
16 instance, in a closing statement?

17 A. Yes.

18 Q. And is there a limit on the type of
19 arguments you can make in your closing
20 statement?

21 A. Because we have policies that are
22 meant to address actions that could
23 potentially interfere with the process, I
24 believe that there are limits to how
25 students act, behave, speak, during the

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1 consequences for SJP of deregistration?

2 A. Can you ask the question again?

3 Q. Are you familiar with the
4 consequences that would befall SJP if they
5 were deregistered for two years or
6 deregistered at all, what are the
7 consequences for how they can operate?

8 A. Yes.

9 Q. And what are those consequences?

10 A. Well, roughly that they're not
11 allowed to operate as a registered student
12 organization under our expectations and
13 privileges of registered student
14 organizations.

15 Q. And would that include a loss of
16 University funding?

17 A. It would preclude them from
18 receiving funding from the Student
19 Government Board.

20 Q. And that could be \$10,000 or more
21 per semester; is that right?

22 A. I don't -- I don't have good
23 information about that.

24 Q. And would deregistration deny them
25 access to use of any Pitt facilities for

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1 lectures, programs, presentations,
2 meetings, the like?

3 A. Them, the organization? Like,
4 please --

5 Q. The organization, yeah.

6 A. It would prevent, yes, it would
7 prevent the student organization from
8 reserving space.

9 Q. And they would not allow them to
10 use any of the University's internal
11 communications channels?

12 A. I don't -- I don't know what you
13 mean.

14 Q. Neither do I. Do you have internal
15 -- do you have internal communications
16 challenges? Or channels? Sorry. Are
17 there like ListServes, for instance? If
18 students want to make an announcement about
19 something going on, are there mediums
20 within the University to do that?

21 A. There is -- students can have
22 posters approved. That's a -- that's a way
23 that students can, student groups can
24 advertise.

25 Q. And those posters can be displayed

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1 where?

2 A. I don't have exact places for you.
3 There are places around the University that
4 they can be. I just don't know the exact
5 locations.

6 Q. And if a group is deregistered,
7 they can no longer display posters on
8 campus; is that right?

9 A. Correct.

10 Q. Okay. Let's mark as Exhibit 5
11 Bates 2629. Showing you what's been marked
12 as Exhibit 5, do you recognize this
13 document? I was going to say, if you need
14 to look at another part of it, just let us
15 know.

16 A. Can you scroll, Ali, please?

17 Yes, I recognize this language, yes.

18 Q. Have you seen this document before?

19 A. So, yes.

20 Q. What is it; what is this document?

21 A. This, this looks like this was some
22 version of the opening sort of statement
23 that we planned to use for the hearing.

24 Q. When you say we, who are you
25 referring to?

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1 that I made to hearings this, this semester
2 while I've been employed at Pitt.

3 Q. Were there any changes made in
4 directions that the panel gave to the
5 parties in terms of dos and don'ts?

6 A. Can you ask again? I'm sorry.

7 Q. Yeah. So did you direct any
8 changes into what directions were given to
9 students appearing before a panel either
10 before, during, or after a proceeding?

11 A. That, that is possible. I -- I
12 think what I would need to do is to look at
13 the instructions that were given to
14 students before the February hearing and
15 before the May hearing. I just, I don't
16 know for sure.

17 Q. Do you know whether there was a
18 change that inserted language specifically
19 telling students that they could not
20 communicate with panel hearing officers
21 after the conclusion of the hearing?

22 A. I don't -- I don't know for sure
23 that that was added.

24 Q. And are you aware that that was not
25 something that was told to students

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1 appearing before a panel prior to May?

2 A. I can't answer that confidently.

3 Q. Do you know whether the students
4 are told specifically, either in writing or
5 verbally at a hearing, that they should not
6 communicate directly with hearing officers
7 after the close of the proceedings?

8 A. I don't know confidently that that
9 instruction is given.

10 Q. So you're not aware that that
11 instruction is generally given?

12 A. Correct.

13 Q. And you're not aware that it was
14 given to the students on the February 4
15 hearing?

16 A. Correct.

17 Q. And you're not aware that it was
18 given to the students at the May 23
19 hearing?

20 A. Correct.

21 Q. Okay. Well, let me ask you, you
22 were at that May 23 hearing. Do you recall
23 that instruction being given to the SJP
24 students?

25 A. I don't recall. I would need to

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1 look back at the -- at the script. I don't
2 recall that specifically.

3 Q. And what we're talking about is
4 some kind of direction making clear that
5 communication with panel hearing officers
6 after the hearing is prohibited. You don't
7 recall that?

8 A. I -- I don't recall that coming up
9 at the hearing.

10 Q. I note there was a Mr. Bruce Albert
11 who was, I think was he the hearing
12 manager? What do you call Mr. Albert at
13 the May 23 hearing; what was his role?

14 A. The hearing moderator.

15 Q. What's the hearing moderator's
16 role?

17 A. To lead the proceedings and ensure
18 that all relevant information is brought to
19 the panel.

20 Q. What does the person in that role
21 do to ensure that all relevant information
22 is brought to the panel? How do they do
23 that?

24 A. Ask questions, clarify questions,
25 clarify process, ask for certain topics or

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1 areas not to be explored to keep things on
2 track.

3 Q. So the moderator is an active
4 presence during the hearing?

5 A. Yeah, yes.

6 Q. And was Mr. Albert active during
7 the May 23 proceeding?

8 A. I feel that's a little too broad
9 for me to answer that.

10 Q. I note Mr. Albert is not a
11 University of Pittsburgh employee; is that
12 correct?

13 A. Correct.

14 Q. In any of the other 25 or so
15 proceedings that you've been involved in
16 since you started in January, has there
17 been a non-Pitt employee enlisted as
18 moderator?

19 A. No.

20 Q. Why did you -- why did -- were you
21 involved in the decision to select Mr.
22 Albert?

23 A. I was not.

24 Q. Who made that decision?

25 A. That was a decision by the Vice

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1 Provost.

2 Q. By Dr. Panzella?

3 A. Uh-huh.

4 Q. And you didn't -- have you ever
5 asked her why she made that decision?

6 A. No.

7 Q. Was there any discussion about who
8 would be the moderator? Were you
9 participating in any discussion about who
10 would be the moderator?

11 A. I was not a participant in the --
12 well, I mean, yes, I was a participant in
13 the discussion about whether or not Matt
14 Landy, who is the Director of Student
15 Conduct, whether or not he should continue
16 in the role as moderator. That's the part
17 of the discussion that I was involved in.

18 Q. So Mr. Landy was the moderator for
19 the February 4 discussion?

20 A. Hearing, correct.

21 Q. Right, sorry. And what was the
22 discussion about whether he would continue
23 in that role on May 23 for the second
24 proceedings?

25 MR. BILUS: Again, to the extent

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1 those discussions involve counsel, I would
2 object on the basis of privilege. I don't
3 know if they did or not, but I'm just, if
4 that's calling for privileged information,
5 I would object.

6 Q. What's your understanding of why
7 Mr. Landy did not continue as moderator for
8 the May 23 decision? May 23 proceedings?
9 Sorry.

10 A. I had a very limited role in that
11 conversation. I think that I may have said
12 to Dr. Panzella that if we were vacating
13 the original hearing, that we should, you
14 know, wipe everyone clean, including the
15 moderator. And that's, that I believe was
16 the extent of my involvement in the
17 discussion.

18 Q. You were not party to any
19 discussions about whether that moderator
20 should be a Pitt employee?

21 A. No.

22 Q. Are you aware of the University
23 ever using a non-Pitt employee as moderator
24 at a disciplinary panel?

25 A. I mean, yes. I mean, I am -- I

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1 guess what's more accurate to say is that
2 I'm aware of this practice. I don't have
3 any specific circumstance at Pitt that I
4 can point to.

5 Q. Are you talking about practice at
6 Pitt or practice in the industry or what?

7 A. Practice in -- practice in the
8 industry.

9 Q. Are you aware of this practice at
10 Pitt outside of the May 23 hearing?

11 A. I cannot reference any cases that I
12 have knowledge of that used an outside
13 hearing moderator.

14 Q. Between February 4 and May 23 are
15 you aware of any changes in how panel
16 hearing officers are selected?

17 A. I am not clear on how panelists
18 were selected for the February hearing.

19 Q. Were you involved in panel
20 selection for May 23?

21 A. That was Dr. Panzella and our
22 inside legal counsel.

23 Q. They are the ones who selected the
24 panel members?

25 A. I -- I think that I was involved in

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1 refer to them; what do you call them?

2 A. Panelists.

3 Q. I mean, are you aware of what, if
4 any, training panelists receive for this,
5 this role?

6 A. At Pitt specifically I was not
7 involved in their training and I don't know
8 what training was offered to them.

9 Q. Do you know what instructions they
10 have about what they should and shouldn't
11 do while they're deliberating on a matter?

12 A. Sorry, can you ask that one more
13 time?

14 Q. Are you aware whether the panelists
15 are given any instructions about, for
16 instance, not reading newspapers or opening
17 social media; are there any restrictions on
18 how panelists should comport themselves
19 while they are deliberating on a matter, on
20 a disciplinary matter?

21 A. I'm not aware of any guidance.

22 Q. All right. Let's look at, let's
23 mark as Exhibit 6 Bates No. 2595. Do you
24 see what's been marked as Exhibit 6 on the
25 screen, Mr. Nabors?

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1 A. I do.

2 Q. What is this?

3 A. Looks like it's an email to my
4 executive assistant.

5 Q. And this says that you'll be having
6 a 15-minute chat every morning with Carla
7 to check in about the SJP conduct process;
8 is that correct?

9 A. That's right.

10 Q. And did these 15-minute sessions
11 occur?

12 A. Not every morning.

13 Q. How often?

14 A. I could not say.

15 Q. Was anybody else part of these
16 discussions?

17 A. Sometimes our -- Stan would be
18 involved.

19 Q. But not always?

20 A. But not always.

21 Q. What did you talk about when Stan
22 was not there?

23 A. It would be difficult for me to
24 make a meaningful distinction because I
25 don't -- his presence wasn't necessarily

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1 the thing that, that marked the
2 conversation for me, so I don't know if I
3 could accurately say.

4 Q. In other proceedings you've,
5 conduct proceedings you've been involved
6 in, did you have regular meetings with Dr.
7 Panzella before those proceedings?

8 A. It's not uncommon for Dr. Panzella
9 and I to talk about open conduct cases.

10 Q. Is she involved in all conduct
11 cases?

12 A. She requires updates and
13 information about conduct cases.

14 Q. How often is she involved in
15 shaping what a conduct process can or
16 should look like?

17 MR. BILUS: Object to the form.

18 A. I would say we pretty consistently
19 just try and use our process and stick to
20 what's in our policies and procedures. So,
21 you know, my conversations with Dr.
22 Panzella about conduct cases are typically
23 updates.

24 Q. Have you had another case in your
25 tenure at Pitt where you had nearly daily

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1 meetings with Dr. Panzella about the
2 disciplinary proceedings?

3 A. No.

4 Q. Have you had any other proceedings
5 that went to a panel hearing during your
6 tenure at Pitt that involved discussions
7 with University counsel prior to the
8 hearing?

9 A. Yes.

10 Q. Out of the approximately dozen that
11 you've been involved in, what percentage of
12 those involved counsel, in your estimation?

13 A. Half.

14 Q. Let's mark as Exhibit 7 Bates
15 13886. I'll show you what's been marked as
16 Exhibit 7. Do you recognize this document?

17 A. Sure, yes.

18 Q. What is it?

19 A. It looks like this is a page of the
20 information that was provided for the
21 hearing.

22 Q. Does this go to the panel members?

23 A. I don't know that confidently. I
24 don't know what the -- what the -- what the
25 hearing moderator shared and what things --

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1 Open Letter. Does that look right?

2 A. It does.

3 Q. And how if at all was this document
4 used during the hearing?

5 A. I believe we walked through
6 portions of this timeline with the panel.

7 Q. All right. Sticking just with the
8 interference with the ongoing conduct
9 process, this that starts on Page 17, did
10 you walk the panel through, through these
11 pages?

12 A. Page 17?

13 Q. Yeah, let's start, yeah, let's
14 start with Page 17. That would be easiest.

15 A. I -- I believe we did.

16 Q. Ali, can you enlarge that a little
17 bit? My eyes aren't what they used to be.
18 So in that last bullet under February 4,
19 it says, "That evening, while the hearing
20 board was still deliberating, SJP
21 improperly communicated with and interfered
22 with the deliberations of the board via an
23 email attaching an Open Letter asserting
24 various new allegations and urging the
25 board to dismiss the conduct charges

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1 against SJP." Is that correct? Did I read
2 that correctly?

3 A. Yes.

4 Q. When you say -- did you write that?

5 A. I don't recall. I'm sure I was at
6 least a co-author.

7 Q. You approved of this language?

8 A. Yes.

9 Q. Okay, when you say improperly
10 communicated, what was improper about it?

11 A. That the communication was an
12 attempt to, to not only to continue to have
13 sort of hearing, sort of points and
14 processes outside of the hearing process,
15 but to influence the deliberations or the
16 decision of the board.

17 Q. Is asking the panel to dismiss the
18 charges new information?

19 A. No.

20 Q. And that was the whole purpose of
21 or that's what I think the students hoped
22 would happen at the hearing; correct?

23 MR. BILUS: Objection to the
24 form.

25 A. I'm sorry, what do you want me to

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1 respond to?

2 Q. Would you agree with me that the
3 students' argument at the first hearing was
4 to dismiss the charges against them;
5 correct?

6 A. I wasn't at the first hearing.

7 Q. But you're familiar with it?

8 A. Sure. Again, I would say in each
9 of the hearings, what we ask is for
10 students to respond to the allegations by
11 bringing forward statements and
12 information.

13 Q. SJP's goal would have been to have
14 the panel dismiss the charges; correct?

15 A. I'm -- I mean, I don't know how you
16 want me to respond to that, sir.

17 Q. It would not be a surprise to the
18 panel members that SJP wanted them to
19 dismiss the charges; that's not new
20 information; correct?

21 A. That's likely not new information.

22 Q. When you say asserting various new
23 allegations, what are you referring to?
24 Would it help to look at the letter?

25 A. Sure.

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1 Q. Ali, can you put up, I think it's
2 Exhibit 2.

3 Is that large enough for you to see, Mr.
4 Nabors?

5 A. It is.

6 Q. You must be younger than me.
7 Definitely better eyes.

8 A. And a bigger screen.

9 Q. So again I'm asking, what are the
10 new allegations here?

11 A. Can you scroll for me, Ali, please?

12 Okay, can you go back to the first page up
13 here?

14 I can't say with any confidence that
15 there's actually any new information
16 presented here.

17 Q. Did you say you cannot say with
18 confidence?

19 A. I cannot.

20 Q. So all of this information may just
21 be a repeat of what was presented at the
22 hearing; is that right?

23 A. Again, I wasn't there.

24 Q. But you are a co-author of making
25 this allegation that these were new

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1 allegations in the letter?

2 A. Correct.

3 Q. But now as you look at the letter,
4 you can't identify information that you
5 know to have been new?

6 A. Correct.

7 Q. Okay, let's go back to Exhibit 9.
8 Sorry, Ali. You probably didn't get this
9 training in law school, but you are doing a
10 very good job I will say. Let's go to the
11 next, let's go to Page 18. We were just
12 looking at 17. Can you go to, I'm sorry,
13 go to Page 18. Yeah. Right, so we could
14 have looked at the letter here. My bad,
15 okay. Can you scroll down to the bottom of
16 the page?

17 So the first line there reads, "Attempting
18 to influence anyone involved in a conduct
19 proceeding outside of the context of the
20 hearing - particularly the board members -
21 fundamentally undermines the integrity of
22 the process." Did I read that correctly?

23 A. You did.

24 Q. I want to understand what
25 attempting to influence anyone involved in

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1 a conduct proceeding outside the context of
2 a hearing entails. So in this case we had
3 an Open Letter that was sent to about 20
4 administrators; correct?

5 A. Yes.

6 Q. And included in that group of
7 administrators was the three hearing
8 officers; correct?

9 A. Correct.

10 Q. If -- was the problem or was the
11 violation here because those hearing
12 officers were included on that email?

13 A. Yes.

14 Q. So if they had sent that letter to
15 the administrators not including the
16 hearing officers, that would not have
17 constituted a violation?

18 A. Correct.

19 Q. What if they posted the letter on
20 social media in addition to sending it to
21 the administrators, would that have been a
22 violation?

23 A. So again, I just want to be clear
24 that my role in this was to bring alleged
25 violations to the panel, and it's their

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1 role to make a decision about whether or
2 not those policies were violated. So can
3 you give me the question again with that
4 context in mind?

5 Q. Yeah, so let me just back up. So
6 may I assume when you decide whether to
7 bring charges, you apply, my term,
8 something like a probable cause standard,
9 that you believe there may be a violation;
10 is that fair?

11 A. That's fair.

12 Q. So in bringing these, I'm asking
13 you, trying to understand what attempting
14 to influence means. If the students, let's
15 say their intent was to influence the
16 process, they sent the exact same letter to
17 the administrators but not including the
18 hearing officers. Would that have
19 triggered charges?

20 A. I would not have individually made
21 the argument that that should result in
22 charges, no.

23 Q. Let's say that that letter was then
24 also published on social media widely,
25 reshared by allied groups, and duplicated

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1 in the Pitt News, so it's widely available.

2 Would that have triggered charges?

3 MR. BILUS: Object to the form.

4 A. The reason that this communication
5 triggered this alleged violation is because
6 it was communicated directly to the board
7 members.

8 Q. If the, in the hypothetical I just
9 used involving letter to many other
10 administrators, social media distribution
11 and republication in the Pitt News, and it
12 is entirely likely that the hearing
13 officers or the panel members would have
14 seen that, that still, that wouldn't be a
15 violation?

16 MR. BILUS: Objection to the
17 form.

18 Q. That would not have prompted you to
19 file charges? Sorry.

20 A. It would not have.

21 Q. Even though the very same content
22 would have reached or likely reached the
23 panel members?

24 MR. BILUS: Object to the form.

25 A. In this hypothetical situation?

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1 Q. Yes.

2 A. I would -- I would not have
3 advocated that we pursue charges under the
4 hypothetical that you're describing.

5 Q. So that the sole problem here was
6 the fact that the panel hearing members
7 were directed or the panel members received
8 a copy of the letter directly from the
9 students?

10 MR. BILUS: Object to the form.

11 A. The problem was that the students
12 emailed the panelists directly.

13 Q. So if the exact same letter made
14 its way to the panelists while they were
15 deliberating through some other means, that
16 would not have been a violation? You, I'm
17 sorry, you would not have pressed charges
18 against SJP?

19 A. Correct.

20 Q. So the fact that they sent it to,
21 that SJP sent it directly to the panel
22 members, in your mind is that a -- is that
23 by itself a violation regardless of the
24 actual impact on the panel members?

25 A. I believe that the attempt at

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1 influence is a violation.

2 Q. The attempt at influence by
3 communicating directly with the panel
4 members; correct?

5 A. Correct.

6 Q. But if they attempted to influence
7 by indirectly getting it to the panel
8 members, that would not be a violation?

9 A. It would be if I could prove that
10 they indirectly attempted to get it to the
11 panelists.

12 Q. You're not aware of any direction
13 to panelists to stay away from social media
14 or regular media or outside communications
15 during their deliberations; in other words,
16 they're not sequestered like a jury could
17 be?

18 A. The panelists are not sequestered.

19 Q. So would it still be a violation if
20 the students sent it directly to the panel
21 members but the panel members told you that
22 it did not impact their deliberations;
23 would that still be a violation?

24 A. It's the attempt that's the
25 concern, sir.

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1 Q. So that the effect is irrelevant?

2 A. Not irrelevant, but what's --
3 what's relevant for the charges is the
4 attempt.

5 Q. And even if they did this, so let's
6 say that they -- let's go back to my
7 hypothetical, no direct communication. If
8 you had evidence that their objective was
9 to have the panel dismiss the charges, then
10 you believe that would violate Pitt's Code
11 of Conduct as well?

12 A. You have to -- I'm sorry, can you
13 give me a little more detail there? Their
14 objective in doing what?

15 Q. In exact same letter, did
16 everything that they did in this case
17 except they didn't include the panel
18 members. But they went and said, yeah, we
19 hope that everybody looks at this letter
20 and that it results in a dismissal of our
21 charges. Violation or no violation?

22 A. I would not have advocated for
23 charges in that circumstance.

24 Q. Back on the bottom of Page 18, that
25 second sentence under that bullet point,

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1 "For this reason, the Code of Conduct
2 specifically forbids any action that could
3 potentially intimidate, coerce or influence
4 a witness or Hearing Officer." Is that
5 correct?

6 A. You read it correctly.

7 Q. Yeah. So that's where you say that
8 you don't have to have actual intimidation,
9 coercion or influence; it's just if there's
10 a potential for it; is that correct?

11 A. Yeah, I, you know, I think that
12 we're playing a little bit of semantics
13 here between, you know, attempt and
14 potential, but, yeah.

15 Q. Let's go to the next page, Ali,
16 Page 19. So that that top bullet point,
17 the first sentence, the allegations in
18 SJP's Open Letter were generally untrue or
19 misleading and inflammatory.
20 Could you go back to the previous page,
21 Ali, to the Open Letter. And I'd like you
22 to identify what was
23 untrue, misleading, or inflammatory in that
24 letter?

25 A. It is untrue that the

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1 there. So, I'm sorry, go to the bottom of
2 Page 19, Ali.

3 Under February 6 it says that at that
4 point you notified the board members to
5 pause their deliberations; is that right?

6 A. Correct.

7 Q. But you didn't talk to the panel
8 hearing members until February 10; is that
9 right?

10 A. Correct.

11 Q. So you made this determination to
12 stop the proceedings before you had their
13 input or views on the effect of the letter?

14 A. Correct.

15 Q. If you would scroll down a little
16 further, Ali.

17 There's, under February 8 it says, "SJP
18 further amplified the potential effects of
19 the Open Letter by posting a version of it
20 on their IG," I assume is Instagram; is
21 that right?

22 A. Correct.

23 Q. So this is then just putting up
24 their, the letter they sent on February 4
25 on social media; correct?

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1 Q. Is this the email from a panel
2 member that you've referenced previously
3 during this deposition as coming in and
4 complaining about the Open Letter?

5 A. Yes.

6 Q. To your knowledge, are there any
7 other written communications from board
8 members complaining about the Open Letter
9 or referencing the Open Letter at all?

10 A. No.

11 Q. Are there any other written
12 communications raising concerns about the
13 Open Letter?

14 A. Not that I'm aware of.

15 Q. Do you recall when you first saw
16 this email?

17 A. I do not.

18 Q. So the day after the hearing, the
19 day after the Open Letter would be February
20 the 5th. Do you recall any discussions
21 about the Open Letter?

22 A. Any discussions about the Open
23 Letter on, like, in general?

24 Q. Any, anything related, any
25 discussions related to the Open Letter sent

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1 on the evening of February 4.

2 A. Yes.

3 Q. What discussions can you recall?

4 A. I recall having a conversation with
5 Matt asking him if he had received this
6 communication. There were some
7 conversations with our legal counsel and a
8 conversation with Dr. Panzella as we tried
9 to determine how to respond.

10 Q. What do you recall about your
11 conversation with Matt?

12 A. Very little. Only that I asked him
13 if he got this communication and if he
14 would forward it to me.

15 Q. Did you talk about the substance of
16 the communication?

17 A. Only to identify it. Like, did you
18 get this communication from Carlton; can
19 you forward it to me.

20 Q. What was your discussion with Dr.
21 Panzella about the email?

22 A. About the -- whether or not this
23 would constitute a violation or not.

24 Q. And who raised that question, you
25 or her?

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1 A. I don't recall. I mean, I don't
2 recall.

3 Q. Did you think upon seeing this that
4 there may have been a problem with the Open
5 Letter?

6 A. Yes.

7 Q. What did you think the problem was?

8 A. Well, my first reaction is that it
9 was highly unusual for students to
10 communicate directly with board members
11 outside of the hearing process, so that was
12 sort of my initial flag. And then it just
13 continued to evolve into questions about,
14 was this their intention to try and
15 influence them during deliberations. It
16 just, it just caused me to question what
17 the -- what their -- what the attempt was
18 here and what the potential impact was.

19 Q. So on that, in the middle of the
20 second paragraph, Mr. Carlton says, "While
21 I personally believe it was inappropriate
22 to make veiled threats in attempt to sway
23 my decision, I did not allow it to impact
24 my role which, once again, was to evaluate
25 the evidence." Did I read that correctly?

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1 counsel.

2 Q. All right, let's to back to Exhibit
3 14. I show you what's marked as Exhibit
4 14. Do you recognize this?

5 A. I do.

6 Q. What is it?

7 A. This looks like my notes from my
8 conversations with the panelists.

9 Q. And these conversations occurred on
10 February the 6th?

11 A. I don't think that's the right
12 date.

13 Q. I'm sorry. February 10?

14 A. That sounds better.

15 Q. Okay. And I believe you said you
16 spoke to each of them separately?

17 A. I did.

18 Q. And how long were those
19 conversations?

20 A. Brief. Maybe about 15 minutes.

21 Q. Each?

22 A. Yes.

23 Q. And nobody else was party to those
24 calls besides you and the panel members?

25 A. That's right.

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1 Q. Did somebody direct you to make
2 these calls or did you take, do it on your
3 own initiative?

4 A. I don't think that either of those
5 is true. I think there's a -- there's a
6 consensus building around this next step.

7 Q. Next step being what?

8 A. These interviewing the panelists.

9 Q. Consensus among whom?

10 A. Myself, Dr. Panzella, and our legal
11 counsel.

12 Q. So there's consensus that you
13 should interview the panel members?

14 A. So I think what I can say is that
15 after conversation with Dr. Panzella and
16 our legal counsel, this was the action that
17 I took.

18 Q. And were these notes -- when did
19 you prepare these notes?

20 A. These notes were written as the
21 conversations took place.

22 Q. So they were -- the notes were
23 taken contemporaneously with the calls?

24 A. Yes.

25 MR. BILUS: Vic, did you say

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1 were or weren't?

2 MR. WALCZAK: Were.

3 MR. BILUS: Okay.

4 Q. (BY MR. WALCZAK) Yeah, just to be
5 clear, so these notes were prepared
6 contemporaneously with the conversations
7 you had with the panel members?

8 A. Yes.

9 Q. And in looking at them now, are
10 they accurate? Is there anything that you
11 would say is inaccurate?

12 A. No.

13 Q. All right, so we have a document
14 that's not marked. Let's mark it here as
15 Exhibit 15.

16 MS. SZEMANSKI: Sorry, Vic, is
17 it the --

18 MR. WALCZAK: It's the February
19 4.

20 MS. SZEMANSKI: November 16?

21 MR. WALCZAK: No.

22 MS. SZEMANSKI: No. Okay, I
23 think I know what you're talking about.

24 MR. WALCZAK: The recommendation
25 form.

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1 MS. SZEMANSKI: Yeah, sorry.

2 Q. (BY MR. WALCZAK) I show you what's
3 marked as Exhibit 15. Do you recognize
4 this? Ali can scroll down if you want.

5 A. I do not recognize this document.

6 Q. Have you ever seen it before?

7 A. No.

8 Q. Do you know what it is?

9 A. I think I know what the form is,
10 yes.

11 Q. What is the form?

12 A. A Conduct Board Recommendation
13 Form.

14 Q. Would this be from the first panel?

15 A. So I have not seen this, sir.

16 Q. Were you aware it existed?

17 A. No.

18 Q. Has nobody mentioned to you the
19 existence of this document?

20 A. Can you -- so I, can I read this?
21 Because I don't --

22 Q. Sure, yeah.

23 A. I don't think I have seen this.

24 Can you continue to scroll? Can you
25 continue to scroll? Can you continue to

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1 scroll, please?

2 No, no.

3 Q. Go down to the last page and let
4 Mr. Nabors take a look at that.

5 A. I have not seen this document.

6 Q. Okay. Let's mark as Exhibit 16
7 Bates 14034. I show you what's marked as
8 Exhibit 16. Do you recognize this?

9 A. I do.

10 Q. What is it?

11 A. It's an email from one of the
12 panelists to me.

13 Q. So this is dated February 24, so
14 this is two weeks after you spoke to the
15 panel members; is that right?

16 A. Correct.

17 Q. You spoke to them on February 10.
18 This is February the 24th. Did you have
19 any communication with the panel members
20 between February 10 and February 24?

21 A. Not that I can recall.

22 Q. And did you respond to this email?

23 A. I don't remember.

24 Q. Is it possible you didn't respond
25 to it?

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1 A. I -- I don't -- I don't remember.

2 Q. Do you know if any of your --
3 you're one of, it looks like you and
4 Matthew Landy and the three panel members
5 are party to this. Do you know whether Mr.
6 Landy responded to this?

7 A. I am not -- I'm not aware.

8 Q. Have you had any communication with
9 the first panel hearing members since
10 February the 10th?

11 A. Have I had any communication with
12 panel members since February 10?

13 Q. Yes.

14 A. I think there was a final
15 communication where we told them that we
16 were vacating the hearing.

17 Q. That went to them?

18 A. Oh, actually I don't know that. No
19 I don't know. Maybe not.

20 Q. You don't recall corresponding with
21 panel members about the status of the
22 hearing that they sat on?

23 MR. BILUS: Object to the form.

24 A. I don't recall any communication.

25 Q. Okay, I'm skipping the next

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1 A. Board members are typically the
2 panelists.

3 Q. Okay. So the next line is,
4 "Additional language that makes clear that
5 individual contact with board members will
6 result in charges." What are you referring
7 to there?

8 A. I believe that this was all things
9 in preparation for the new hearing. So
10 this would have been referencing
11 instructions to the -- to students coming
12 to the -- to the second hearing.

13 MR. BILUS: Vic, can I just jump
14 in. This looks like this all relates to the
15 stuff that we've already agreed to redact
16 as being unrelated down below. We -- it
17 doesn't seem like this relates to this case
18 at all.

19 MR. WALCZAK: Well, thanks,
20 Sandy, that's not what your witness just
21 testified to, so why don't you let me
22 continue with my questions.

23 MR. BILUS: All right.

24 Q. (BY MR. WALCZAK) So after that
25 speaking objection, so you think this

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1 relates to the upcoming SJP proceeding
2 which was ultimately held on May 23?

3 MR. BILUS: Objection to form.

4 A. I think that it is.

5 Q. Okay. And then the third line
6 there in that sort of second block is,
7 "Revisit the additional remote script
8 language we used and update." What does
9 remote script language refer to?

10 A. The instructions that the moderator
11 would give to people participating in a
12 remote hearing.

13 Q. Why are you -- are you -- what's
14 the purpose of this email that you sent?
15 What were you hoping to accomplish here?

16 A. We've been in conversation during
17 my entire time at Pitt about changes we
18 want to make to the process. So this was
19 sort of a part of that conversation, but
20 then also trying to prepare information for
21 the -- for the new hearing moderator.

22 Q. So these would be changes made
23 after the February 4 hearing and before the
24 May 23 hearing?

25 A. I think that that's what I was

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1 asking him to consider.

2 Q. And when you say no contact order
3 between board members, that would be to
4 articulate specifically that there should
5 be no contact by participants with the
6 board?

7 A. I don't -- I don't know. That
8 language doesn't make any sense to me,
9 because a no-contact order is a very
10 specific thing in our world, so I don't --
11 I don't understand this then.

12 Q. What about the second one there,
13 make clear that individual contact with
14 board members will result in charges, why
15 are you suggesting that?

16 A. We, after the experience with the
17 first board hearing, we were talking about
18 changes that we wanted to make broadly to
19 the process moving forward.

20 Q. And is that to clarify because it
21 was unclear on February 4?

22 A. I don't think that that's fair to
23 say. I think what's fair to say is that we
24 were having conversations about changes
25 that we wanted to make to the process, ways

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1 that we wanted to improve the process.

2 Q. And how would that improve the
3 process?

4 MR. BILUS: Can you all hear me?

5 THE WITNESS: Yes.

6 MR. BILUS: Okay. I got kicked
7 out. The storm that must have been coming
8 through Pittsburgh has made its way to me,
9 and it may be interfering with my internet.
10 But I'm back. Hopefully I won't get kicked
11 out again.

12 I don't know what the last couple, if
13 there were questions while I was paused?

14 MR. WALCZAK: I asked how the
15 changes would improve the process, and
16 we're waiting for Mr. Nabors to answer.

17 MR. BILUS: Okay.

18 Q. (BY MR. WALCZAK) Still thinking,
19 Mr. Nabors, or --

20 A. I am.

21 I -- I would put this under the
22 category
23 of greater clarity helps to improve the
24 process.

25 Q. Greater clarity for whom?

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1 A. For all involved.

2 Q. Including the students being
3 brought up on conduct charges?

4 A. Sure.

5 Q. I have just a couple more
6 questions. I know we're at 3:00. So I've
7 seen a number of emails where you've been
8 invited to and seemingly attended events
9 with Jewish student leaders at the
10 University. Is that true?

11 A. Sure.

12 Q. And it looks like there were some
13 in January, February, March. I'm not sure
14 about April or May. Actually April I'm not
15 sure. But is this a -- is this something
16 that you and some of your colleagues do
17 regularly?

18 MR. BILUS: Object to the form.

19 A. I'm invited by students to attend
20 events pretty frequently.

21 Q. Have you ever attended an event
22 with the Muslim Students Association?

23 A. I've had meetings with the
24 leadership of the Muslim Student
25 Association. I have not been invited to an